

## **SUBCHAPTER 4 – COSMETOLOGICAL SCHOOLS AND ESTABLISHMENTS**

### **REGULATION 17-23-401 – Section 1 – Definitions:**

For the purpose of these regulations the following terms are defined.

### **Section 2 – Health and Safety Rules for Cosmetology Schools and Establishments**

#### **A) Enforcement**

- 1) The holder or holders of a salon license or a school license, and the person in charge of any such salon or school, shall be liable for implementing and maintaining the Sanitary Rules in such salon or school individually and jointly with all persons in or employed by or working in or on the premises of such salon or school. All practitioners and students shall be held individually liable for implementation and maintenance of the Sanitary Rules and Regulations as applicable.
- 2) To assure compliance with the laws and regulations governing the operations of schools and salons, the board's authorized representatives shall have access to the premises of any school or salon, at any time that the school or salon is open for business or at any time that the instruction or practice of cosmetology is being conducted.
- 3) Refusal to permit, or interference with, an inspection constitutes a cause for disciplinary action.
- 4) All persons performing acts of cosmetology or Electrology, except students in schools of cosmetology, shall, upon request of an authorized representative of the Board, present satisfactory proof of identification.

Satisfactory proof shall be in the form of a photographic driver's license or photographic identification card issued by any state, federal, or other recognized government entity.

Failure to present valid proof of identification shall be grounds for disciplinary action.

- 5) Conducting or operating a school or salon without a current, valid license shall be grounds for disciplinary action.
- 6) Allowing a person to engage in or attempt to engage in the occupation of a cosmetologist, manicurist, electrologist, aesthetician or barber in or about a salon or allowing a person to engage in or about a school, without a current valid Arkansas license shall be grounds for disciplinary action.
- 7) Performing acts of cosmetology or attempting to perform acts of cosmetology, without a current, valid Arkansas license shall be grounds for disciplinary action.

**B) Consumer Information.**

- 1) A copy of the Health and Safety Rules shall be conspicuously posted in:
  - a) Reception areas of both schools and establishments, and
  - b) Theory rooms of schools
- 2) All establishment and school licenses shall be conspicuously posted in such reception areas.
- 3) All practitioners' licenses shall be conspicuously posted at their individual work stations.
- 4) All instructor licenses shall be conspicuously posted in the school reception area.
- 5) No license which has expired or become invalid for any reason whatever shall be displayed by any person in connection with the practice of cosmetology or any of its branches. Any license so displayed shall be surrendered to the Board upon its request.

**C) Physical Facilities of Schools and Salons.**

- 1) **Water Supply** – A safe and adequate supply of continuous hot and cold running water shall be provided from an approved source. Where a public water system is available a connection must be made thereto; otherwise, the water must be obtained from a supply meeting the requirements set forth by the Arkansas Department of Health.
- 2) **Sewage** – All water-carried sewage shall be disposed of by means of: 1) a public sewage system; or 2) an approved sewage disposal system which is constructed and operated in conformance with the standards established for such systems by the Arkansas Department of Health.
- 3) **Plumbing** – Plumbing shall be installed and maintained as to carry adequate quantities of water to required locations throughout the school or salon; as to prevent contamination of the water supply; as to properly convey sewage and liquid wastes from school or salon to the sewerage or sewage disposal system; and so that it does not constitute a source of contamination of equipment, implements, supplies, or create an insanitary condition or nuisance. All plumbing shall conform to the current State Plumbing Code.
- 4) **Toilet Facilities** – Where toilet facilities are made available or otherwise required, said facilities shall be installed in accordance with the Arkansas State Plumbing Code. Toilet rooms shall be completely enclosed, free from objectionable odors and shall have tight-fitting, solid doors.

**Toilet Fixtures** – Toilet fixtures shall be kept clean and in good repair. A supply of toilet paper shall be provided and shall be adequately supplied at all times. Easily cleanable receptacles shall be provided for waste materials. No toilet room shall be used for storage.

- 5) **Handwashing Facilities** – Each school and each salon shall provide handwashing facilities. Lavatories shall be installed in accordance with the Arkansas State Plumbing Code. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet.

**Supplies** – A supply of hand-cleaning soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the handwashing facilities.

- 6) **Drinking Water** – Each school and each salon shall supply potable drinking water. The water must be obtained from a supply meeting the requirements set forth by the Arkansas Department of Health. No school or salon shall provide any cup, glass, or other receptacle for common use.
- 7) **Garbage and Refuse** – Garbage and refuse shall be kept in durable, easily cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. No school or salon shall permit an accumulation of garbage or refuse. Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.
- 8) **Insect and Rodent Control** – Effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. Each school and each salon shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

**Outside Openings** – Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting doors, closed windows, screening, controlled air currents, or other means. Screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight fitting and free of breaks. Screening materials shall not be less than 16 mesh to the inch.

- 9) **Cleanliness and Repair** – Each school and each salon shall keep the floors, mats, walls, woodwork, ceilings, equipment, furnishings, attached equipment, decorative materials and fixtures clean and in good repair.
- 10) **Floor Construction** – Floors and floor coverings of each school and each salon in the working area or clinical area shall be constructed of smooth, non-absorbent, durable material such as sealed concrete, terrazzo, ceramic tile, durable grades of linoleum or plastic and shall be maintained in good repair. Worn, torn, or broken floor coverings shall be replaced.

**Carpet** – Carpet shall not be permitted in the working area or clinical area. Carpet, if used as a floor covering in other areas of a school or salon, shall be of closely woven construction, properly installed, easily cleanable, and maintained in good repair. Worn or torn carpet shall be replaced.

**Floor Mats** – Mats, when used in a salon or school, shall be of a washable, non-absorbent material and of such size, design and construction as to facilitate their being easily cleaned.

- 11) **Walls and Ceilings** – Walls and ceilings, including doors, windows, skylights, and similar closures, shall be maintained in good repair. The walls, including non-supporting partitions, wall coverings, and ceilings shall be easily cleanable. Concrete or pumice blocks used for interior wall construction shall be finished, filled and sealed to provide an easily cleanable surface.

**Coverings** – Wall and ceiling covering materials shall be attached and easily cleanable. Walls and ceilings shall be free of leak spots, mildew, condensate and peeling paint.

**Attachments** – Light fixtures, wall-mounted fans, decorative materials, and similar equipment attached to walls and ceilings shall be easily cleanable and shall be maintained in good repair.

- 12) **Equipment Surfaces** – The surface of all equipment, including back bars, shall be of a washable non-absorbent material. Windows and mirrors shall be clean and free of dust, smoke, hairspray, etc.
- 13) **Lighting** – Permanently fixed artificial light sources shall be installed to provide at least 20 foot candles of light on the working area or clinical area.
- 14) **Ventilation** – Each school and each salon shall have sufficient ventilation to keep them free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke and fumes. Ventilation systems shall be mechanically vented to the outside air and shall be installed and operated according to State and local requirements.
- 15) **Minimum Equipment** – Each school and salon shall have and maintain the following minimum equipment:
  - a) A sufficient number of covered waste receptacles.
  - b) Wet sterilizers of sufficient size to hold instruments and equipment.
  - c) A sufficient number of closed receptacles to hold all soiled towels.
  - d) A sufficient number of airtight containers for sanitized instruments.
  - e) A sufficient number of closed cabinets to hold all clean towels.

- f) A liquid sterilizer receptacle of sufficient size to hold instruments and equipment containing a solution of quaternary ammonium compound or an equivalent disinfectant.

**16) Animals in Schools and Salons** – No person shall bring any animal into, or permit any animal into, or permit any animal to be brought into, or permit any animal to remain in a school or salon. Trained dogs accompanying sightless or hearing-impaired persons are exempt from this section.

**17) Infection Disease**

- a) No person afflicted with an infectious or communicable disease, which may be transmitted during the performance of the acts of cosmetology or any of its branches, or afflicted with an infestation of animal parasites shall be permitted to work or train in a school or in a salon.
- b) No school or salon shall require or permit a student or a practitioner, knowingly, to work upon a person suffering from any infectious or communicable disease which may be transmitted during the performance of the act of cosmetology or any of its branches.
- c) No school or salon shall require or allow a student or practitioner to perform any service on a client with an infestation of animal parasites.

**18) Massaging** – No person training or working in a school or salon shall massage any person upon a surface of the skin or scalp where such skin is inflamed or where a skin infection or eruption is present.

**19) Personal Cleanliness**

- a) **Person and Wearing Apparel** – The person and the uniform or attire worn by an individual serving a client shall at all times be clean.
- b) **Washing Hands** – Every person performing cosmetological services in a school or salon shall thoroughly wash his or her hands with soap and water or any equally effective cleansing solution before serving each client.

**20) Headrests, Shampoo Bowls, and Treatment Tables**

- a) **Headrests** – The headrest of chairs shall be covered with a clean towel or paper sheet for each client.
- b) **Shampoo Bowls** – Shampoo trays and bowls must be cleansed with soap and water or other detergent after each shampoo, kept in good repair and in a sanitary condition at all times.
- c) **Treatment Tables** – Treatment tables must be sanitized before and after each client.

**21) Towels**

- a) Used Towels to be discarded** – After a towel has once been used, it shall be deposited in a closed receptacle, and shall not again be used until properly laundered and sanitized.
- b) Method of Laundering** – Used towels shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes the following treatment:

Immersion in water at 104 degrees F for not less than fifteen (15) minutes during the washing or rinsing operation; or, immersion in water of medium temperature containing one cup of bleach per load during the washing cycle.

**Facilities** – Laundry facilities shall be restricted to the washing and drying of towels, uniforms, aprons, etc., necessary to the operation of a salon or school. An area, separate and distinct from the working area or clinical area, shall be provided for laundry facilities.

- c) Storage** – All clean towels are to be stored in a closed cabinet.

**22) Bottles and Containers** – All bottles and containers in use in a school or in a salon shall be distinctly and correctly labeled to disclose their contents. All bottles containing poisonous substances shall be additionally and distinctly marked as such.

**23) Neck Strips** – A sanitary neck strip or towel shall be used to keep the protective covering from coming in direct contact with a client's neck.

**24) Instruments and Supplies**

- a)** All supplies or instruments which come in direct contact with a client and cannot be disinfected (for example, cotton pads, emery boards used on the natural nails, and neck strips) shall be disposed of in a waste receptacle immediately after use.
- b)** No person training or working in a school or salon shall be permitted to carry any instrument or supplies in or on a garment or uniform while practicing cosmetology or any branch thereof.

**25) Disinfecting Non-Electrical Instruments and Equipment**

- a)** Before use upon a client, all non-electrical instruments with a sharp point or edge that may on occasion pierce the skin and draw blood (scissors, razors, tweezers, cuticle nippers, manicure/pedicure scissors, etc.) as well as non-electrical instruments without sharp points or edges (combs, brushes, rollers, and all instruments and accessories used in all branches or cosmetology including manicuring) shall be disinfected in the following manner: clean with soap (or detergent) and water then totally immerse for at least ten (10) minutes in either (1) an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions, or (2) 70% isopropyl alcohol.

- b) The disinfectant solutions specified in subdivision (a):
  - 1) Shall remain covered at all times.
  - 2) Shall be changed at least once each week or whenever visible cloudy or dirty.
- c) All non-disinfected instruments (those that have been used on a client or soiled in any manner) shall be placed in a properly labeled receptacle.
- d) All disinfected instruments shall be stored in a clean, covered place.

**26) Disinfecting Electrical Instruments.**

- a) Clippers, vibrators, and other electrical instruments shall be disinfected prior to each use by:
  - 1) First removing all foreign matter; and
  - 2) Disinfecting with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal, and virucidal activity used according to manufacturer's instructions
- b) All disinfected electrical instruments shall be stored in a clean, covered place.

**27) Sterilizing Electrolysis Instruments.**

- a) Before use upon a client, each electrolysis needle or tweezer shall be first cleaned with detergent and water (which may include the use of ultrasonic equipment) and then sterilized by one of the following methods:
  - 1) Steam sterilizer, registered and listed with the Federal Food and Drug Administration, used according to manufacturer's instructions.
  - 2) Dry heat sterilizer, registered and listed with the Federal Food and Drug Administration, used according to manufacturer's instructions.
- b) Sterilization equipment shall be checked weekly to ensure that it is reaching the temperature required by manufacturer's instructions.
- c) Exemption – The above sterilization methods are not required when using sterile disposable epilation needles. Needles shall be disposed of in a waste receptacle immediately after use.

**28) Liquids, Creams, Powders and Other Cosmetic Preparations.**

- a) **Storage** – All liquids, creams and other cosmetic preparations shall be kept in properly labeled clean and closed containers. Powders may be kept in a clean shaker.

- b) **Removal from Container** – When only a portion of a cosmetic preparation is to be used on a client, it shall be removed from the container in such a way as not to contaminate the remaining portion.
- c) **Pencil Cosmetics** – Pencil cosmetics shall be sharpened before each use. Sharpeners shall be properly disinfected before each use.

## **REGULATION 17-23-402**

### **Section 1 – Cosmetology Establishment – Certificate of Registration and License.**

**A) Enforcement** – Any person, firm, or corporation conducting or operating a cosmetological establishment shall be responsible for compliance with the licensing code and rules and regulations of the Board governing cosmetological establishments. Failure to comply with the licensing code and rules and regulations shall be grounds for disciplinary action.

**B) Authorization.**

- 1) Any person, firm or corporation who has applied for a license to operate a cosmetological establishment will receive a letter authorizing the owner to operate the establishment, provided that the owner has certified compliance with the licensing code and the rules and regulations of the Board. The letter shall be conspicuously posted in the salon.
- 2) A letter of authorization to operate a cosmetology establishment will expire within twelve (12) months of the date of issuance and/or upon certification by a representative of the Board that said salon is not in compliance with the licensing requirements.

**C) Inspection of Facilities** – The salon shall be inspected to determine compliance with the licensing code and rules and regulations governing cosmetology establishments. An establishment license will be issued upon receipt of a compliance inspection by a representative of the Board. Failure to comply with the licensing requirements will be grounds for disciplinary action and license denial.

**D) Changes and Notification Requirements**

- 1) **Name Change** – When the name of an established salon is changed from the name which appears on the original application, the owner of record shall file an application with the Board for approval and shall submit the required fee. Failure to comply with this section within 30 days of changing the name of the salon will be grounds for disciplinary action.
- 2) **Ownership Change** – A salon owner who sells or otherwise transfers ownership of said salon shall, within 10 days of said sale or transfer, notify the Board in writing, as to the name of the new owner and the effective date of said sale or transfer. The new owner, lessee or other legally responsible party shall file, within ten days of the sale or transfer, an application with the Board for approval and shall submit the required fee. A Bill of Sale shall be attached to the



application. Failure to comply with this section shall be grounds for disciplinary action.

- 3) **Relocation** – When the location of an established salon is changed, it shall be classified as a new salon and said owner shall comply with the licensing code and rules and regulations relating to the original issuance of a salon license.
- 4) **Closure** – Within thirty (30) days after a salon is closed, the owner shall notify the Board by certified mail of the closure and shall return the salon license to the Board.

## **Section 2 – General Licensure Requirements for Salons**

A) **Display of Sign** – Each salon shall display, in a conspicuous place visible from the outside, a sign stating the name of the salon.

B) **Safety** – Each salon shall be maintained in an orderly manner which will not create or be a fire or safety hazard.

### **C) Sale of Products**

1) **Cosmetology Products** – A salon may offer, for sale, cosmetology products and related articles (combs, brushes, cosmetic implements, etc.).

2) **Other Products** – A salon offering other products for sale in the salon is prohibited from displaying said products in the working area or clinical area of the beauty salon. A salon is prohibited from displaying products that may cause an insanitary condition. Products that may be contaminated by environmental factors within the salon shall be packaged to preserve sanitary conditions.

### **3) Classification of other Businesses.**

a) **Retail/Display Area.** – The retail/display area in a salon shall not exceed thirty-three percent (33%) of the floor space contained in the working or clinical area of the salon. If the retail/display area exceeds the specified footage said area will be classified as another type of business and shall be separated from said salon in accordance with the requirements specified in Subdivision D.

b) **Permits/Licensure** – Selling products, in a salon, that require the seller to hold a special permit or license by Federal or State authorities shall be classified as another type of business. Other types of businesses shall be separated from a salon in accordance with the requirements specified in Subdivision D.

**D) Separation of Salon from other businesses.**

- 1) **Insanitary conditions** – A salon and any other type of business that may create an insanitary condition (for example, restaurant, grocery store, pet store, etc.) shall be physically separated by solid walls (from the floor to the ceiling) of permanent construction and shall not have doors or openings of any kind between the businesses. Further, the owner shall submit a document issued by the Arkansas Department of Health certifying that the ventilation system(s) of said businesses meets the minimum requirements of the Arkansas Department of Health.
- 2) Other businesses not specified in Subdivision D (1). A salon shall not be conducted with any other type of business or occupation, except the branch of barbering as practiced by a licensed barber. A salon and any other type of business shall be physically separated by solid walls of permanent construction a minimum of seven (7) feet high.
  - a) **Barber Establishment License** – Any salon that permits a licensed barber to practice the vocation of barbering in the salon, shall also hold a barber establishment license issued by the Arkansas State Board of Barber Examiners.

**E) Floor Space** – Each salon shall contain a minimum of 168 square feet of floor space in the working area or clinical area as prescribed by A.C.A. Section 17-23-405 (c). A salon with more than one practitioner at any given time shall contain an additional fifty (50) square feet of floor space in the working area or clinical area for each additional practitioner.

**F) Equipment**

- 1) In addition to the minimum equipment specified in Board Regulation 17-23-401, Section 2, B (7), each salon shall have and maintain a sufficient number of towels, implements, instruments and equipment to ensure that contaminated items are not used on patrons.
- 2) Each salon shall have and maintain equipment that meets industry standards for the type of cosmetological services provided to patrons of the salon. The salon shall have and maintain adequate equipment to ensure the health, safety and welfare of the patrons served in the salon.
- 3) Electrical and non-electrical equipment in each salon shall be maintained and tested periodically to determine that said equipment is functioning in accordance with the manufacturer's specifications. Equipment that is not operable or functioning in accordance with the manufacturer's specifications shall be repaired or discarded.
- 4) Appliances used for the preparation of food shall be prohibited in the working or clinical area or reception area. The use of said appliances is restricted to preparation of food for employees or practitioners working in the salon.